

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

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**In the Matter of**

**Petition for Rulemaking of Fibertech Networks, LLC**

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**RM - 11303**

**REPLY COMMENTS OF  
NSTAR ELECTRIC & GAS CORPORATION**

Pursuant to Section 1.405 of the Rules of Practice and Procedure of the Federal Communications Commission ("Commission"), 47 C.F.R. § 1.405, NSTAR Electric & Gas Corporation ("NSTAR"), respectfully submits the following Reply Comments in this proceeding. NSTAR Electric & Gas Corporation is the service entity for the three operating companies of NSTAR, a Massachusetts business trust: Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company (the "NSTAR Companies"). The NSTAR Companies provide electric sales and distribution services to approximately 1.1 million commercial and residential customers in eastern Massachusetts.

NSTAR agrees with and generally supports the comments submitted in this proceeding by the United Telecom Council/Edison Electric Institute and Western Massachusetts Electric Company. In addition, NSTAR offers the following additional comments, addressing specific requests made by Fibertech Networks, LLC ("Petitioner"). The comments are organized by reference to Petitioner's requests.

## 1. ALLOW POLE BOXING AND USE OF EXTENSION ARMS.

Boxing and/or using extension arms significantly complicate the process of replacing of a pole. Pole change-outs cannot be lashed together, as is commonly done in urban settings, where a "cut and kick" method (replacement in same pole hole) is required because of sidewalks and reduced width of right of way.

Boxing and or use of extension arms generally render a pole unclimbable per National Electrical Safety Code (NESC) requirements for climbing space. Petitioner is requesting that poles accessible by truck be rendered unclimbable. This places an undue burden on the pole owners, requiring the exclusive use of trucks for pole access, which is not always feasible or ideal, from a practical standpoint. Just because a pole is accessible by truck does not mean it is never climbed. It is a fact of the industry that, at times, poles accessible by trucks have to be climbed. Many times a pole is worked with one man in a bucket and second on hooks. The restriction imposed by boxing and extension arms becomes a matter of worker safety, which is a highest priority for utility operations.

## 2. ESTABLISH SHORTER SURVEY AND MAKE-READY TIME PERIODS.

Utilities make every effort to be responsive and shorten survey and make ready periods. However, locking the utility into even shorter time periods is not reasonable, as it eliminates the flexibility needed for utilities to manage competing demands on their resources stemming from their core business, which is not servicing attachers. For example, storms and natural disasters have a ripple effect through the industry and its suppliers. Both internal and contract (external) utility line crews are continually shifted for system restoration (due to accidents, storms, or other natural disasters) and electric system reliability projects mandated by regulators, all of which must take precedence over pole attachments and upgrades.

3. **ALLOW COMPETITORS TO HIRE UTILITY-APPROVED CONTRACTORS TO PERFORM FIELD SURVEYS AND MAKE-READY WORK.**

The use of contracted employees is a matter negotiated with utility unions. Collective bargaining agreements frequently limit or even prohibit work on utility plant by non-utility contractors. Such agreements may allow the use of contractors by the utility to upgrade its own infrastructure, but may not allow a third party, such as a competitive local exchange carrier, to work on or upgrade a structure owned by the electric utility subject to the collective bargaining agreement.

4. **PERMIT INSTALLATION OF DROP LINES TO SATISFY CUSTOMER SERVICE ORDERS WITHOUT PRIOR LICENSING.**

It is simply not reasonable for an outside party, which has no ownership rights or responsibilities (such as duty to customers, regulators and municipalities, as well as liability to third parties such as customers and the general public) to be permitted to attach equipment or lines to utility-owned infrastructure at will, and without prior notification and approval. Such a process would expose the pole owner to unknown liabilities. In addition, if necessary prior approval process and documentation are not in place, “without prior licensing” often translates to “without compensation or owner notification” or “without make ready being verified,” and is nothing more than an excuse for unauthorized attachments.

5. **ALLOW COMPETITORS TO SEARCH UTILITY RECORDS AND SURVEY MANHOLES TO DETERMINE AVAILABILITY OF CONDUIT, AND LIMIT CHARGES IF THE UTILITY PERFORMS THESE FUNCTIONS.**

These are secure, non-public records that are not, and should not be readily accessible to the public or competitors for system security. Reasonable time-lines are in place to provide needed information.

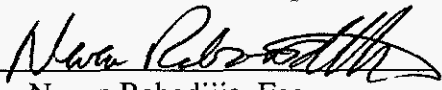
6. ALLOW UTILITY-APPROVED CONTRACTORS TO WORK IN MANHOLES WITHOUT UTILITY SUPERVISION.

For safety reasons, even utility employees are not permitted to work in manholes without authorization and without supervision. Petitioner is asking to violate basic utility safety rules. Safety supervision is required for worker protection and system protection.

In conclusion, NSTAR respectfully requests that the Commission take into due consideration the restrictions and requirements faced by electric utility companies in providing safe and reliable service to their core customers, and not lightly impose significant additional burdens that may compromise electrical worker safety and system reliability.

Respectfully submitted,

NSTAR Electric & Gas Corporation

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### **CERTIFICATE OF SERVICE**

I, Neven Rabadjija, an attorney with NSTAR Electric & Gas Corporation, hereby certify that a copy of the foregoing Reply Comments were served this 1<sup>st</sup> day of March, 2006, via regular mail, on each of the following:

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A handwritten signature in black ink, appearing to read 'Neven Rabadjija', written over a horizontal line.

Neven Rabadjija